

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
2 **IN MEDICINE AND SURGERY**

3 IN THE MATTER OF:

4 **JANET M. PRAGIT, D.O.**

5 Applicant for a license to
6 Practice osteopathic medicine
7 in the State of Arizona:

8 For the practice of osteopathic medicine in the
 State of Arizona

) **Case No.: N/A**

) **ORDER FOR ISSUANCE OF LICENSE**
) **AND NON-DISCIPLINARY PROBATION**

9 On April 13, 2005, Janet M. Pragit, D.O. (hereinafter "Respondent") filed an application
10 for licensure with the AZ Board of Osteopathic Examiners (hereinafter "Board").

11 On August 3, 2005, the Board requested Respondent to appear before them on August 15,
12 2005 pursuant to A.R.S. § 32-1822(C).

13 On August 15, 2005, Respondent appeared before the Board during a public-
14 teleconference meeting. The Board reviewed Respondent's application for license, including the
15 Respondent's licensure history, administrative action and disposition from California, and all
16 other relevant issues concerning her qualifications to obtain a Board license, and took testimony
17 from the Respondent. The Board authorized preparation of an order granting Respondent a
18 license to practice as an osteopathic physician in the State of Arizona; but, said license shall be
19 placed on a non-disciplinary probation and subject to specific terms that are set forth more
20 specifically hereafter.

21 **STIPULATION**

22 By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners
23 (hereafter "Board") and Janet M. Pragit, D.O. (hereinafter "Respondent"), the parties hereto
24 agree to the following disposition to this matter.

1 1. Respondent acknowledges that she has read this Order for Issuance of a License
2 and Non-Disciplinary Probation and, Respondent is aware of and understands the contents of this
3 document.

4 2. Respondent understands that by entering into this Order for Issuance of a License
5 and Non-Disciplinary Probation Consent Agreement and Order, she voluntarily relinquishes any
6 rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review
7 of the consent order in state or federal court.

8 3. Respondent understands that this Order for Issuance of a License and Non-
9 Disciplinary Probation will not become effective unless approved by the Board and signed by its
10 Executive Director.

11 4. Respondent further understands that this Order for Issuance of a License and Non-
12 Disciplinary Probation, once approved and signed, shall constitute a public records which will be
13 disseminated as a formal action of the Board as required by A.R.S. §§ 32-1855 (L) and (K).

14 5. Respondent admits to the statement of facts and conclusions of law contained in
15 the Order for Issuance of a License and Non-Disciplinary Probation.

16 6. All admissions made by Respondent are solely for final disposition of this matter
17 and any subsequent administrative proceedings or litigation involving the Board, Respondent and
18 the State of Arizona; and, therefore, said admissions by Respondent are not intended for any
19 other purpose or administrative regulatory proceeding or litigation in another state or federal
20 court.

21 7. Respondent acknowledges and agrees that upon signing and returning this
22 document (or a copy thereof) to the Board's Executive Director, she may not later revoke or
23 amend this Stipulated Order for Issuance of a License and Non-Disciplinary, without first
24 obtaining Board approval.
25

1 REVIEWED AND ACCEPTED this 17th day of August 2005.

2
3
4 Janet M. Pragitt, D.O.

5 **FINDINGS OF FACT**

6 1. The Board of Osteopathic Examiners of the State of Arizona ("Board") is the duly
7 constituted authority for the regulation and control of the practice of osteopathic medicine in the
8 State of Arizona.

9 2. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Board possesses
10 jurisdiction over the subject matter hereof and over the application for license submitted by
11 Respondent

12 3. The Board has the authority to enter a final order and to enter into an agreement
13 for the disposition of this matter pursuant to A.R.S. § 32-1822(D).

14 4. On her license application, Respondent answered "yes" to question #3, which
15 states, "Have you had any disciplinary or adverse action imposed against any professional
16 license, or were you denied a professional license, or have you entered into any consent
17 agreement, stipulated order, or settlement with any regulatory board; or have you been notified
18 of any complaints or investigations against you license that have not been resolved?"

19 5. On her license application, Respondent answered "yes" to question #8, which
20 states, "During an internship, residency, or fellowship program were you placed on probation,
21 had your privileges restricted or suspended, been terminated from the program or had any other
22 adverse action taken against your participation, even if that action was not required to be
23 reported to the National Practitioner Data Bank?"

24 6. According to these disclosures, Respondent provided information to the Board
25 indicating that she was sanctioned by the Osteopathic Medical Board of California for

1 fraudulently writing prescriptions for herself for Tylenol with Codeine #3 between the dates of
2 February 14, 2004 and March 12, 2004.

3 7. The California case resulted in the Applicant's license being placed on Probation
4 for a period of 5 years with terms consistent with a monitored aftercare program.

5 8. As a result of the disclosures by the Applicant, the Board reviewed her application
6 for licensure at their teleconference meeting of August 15, 2005. The applicant appeared in
7 person before the Board and answered the Board's questions and inquiries.

8 9. After review and consideration of the application, the Board voted to offer the
9 Applicant a license with a (5) year non-disciplinary probation

10 CONCLUSIONS OF LAW

11 10. The conduct described in Findings of Fact 1 through 6 above constitutes
12 unprofessional conduct as defined in A.R.S. 32-1854 (18), which states in pertinent part, "The
13 denial of or disciplinary action against a license by any other state, territory, district or country,
14 unless it can be shown that this occurred for reasons that did not relate to the person's ability to
15 safely and skillfully practice osteopathic medicine or to any act of unprofessional conduct as
16 provided in this section."

17 ORDER

18 **NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:**

19 1. Respondent's license to practice osteopathic medicine shall be placed on
20 PROBATION for a period of FIVE YEARS with the following terms:

21 A. that the effective date of the probationary period shall be the first business day
22 after Applicants license is issued by the Board.

23 B. that the Respondent shall send to the Board a quarterly progress report while she
24 is on probation, detailing her status of employment, status of practice, continuing medical
25 education programs completed, and any and all address changes within 10 days.

1 C. that the Respondent will develop a plan for aftercare treatment and monitoring
2 which shall include, but may not be limited to, individual and/or group counseling
3 sessions, random body fluid testing, agreement for release of treatment records and
4 reports to the Board, prohibition of the use of controlled substances unless the latter is
5 prescribed or coordinated by her treating physician, and regular meeting with the Board,
6 and submit this plan to the Board for its approval.

7 D. From the date of this Order, Respondent shall obtain psychiatric or psychological
8 treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is
9 selected by Respondent and approved by the Board. Respondent shall comply with the
10 therapist recommendation for the frequency of therapy treatment sessions. Respondent
11 shall inform the Board by letter (mailed within one hundred days of the date of this order)
12 of the therapist's name; and, Respondent shall undertake and fully cooperate with a
13 program of treatment established by the therapist. In the event Respondent changes
14 therapists, she shall give the Board written notice within ten (10) days of said action.
15 Respondent shall not discontinue or reduce the frequency of psychotherapy sessions until
16 she has submitted a written request to the Board and obtained Board approval.

17 E. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall
18 cooperate with and disclose all relevant information in the Board's files concerning
19 Respondent. The treating therapist shall be directed by Respondent to send to the Board
20 a detailed written progress report every month for the remainder of the probation; and
21 Respondent, shall waive any confidentiality concerning her psychotherapy in order that
22 the Board may receive full disclosure of information. The expense of the aforementioned
23 therapy and the reports to the Board by Respondent's therapist shall be the sole
24 responsibility of the Respondent.

25 F. Respondent shall provide a copy of this Order and any subsequent Orders to all

1 facilities where Respondent is currently (or subsequently) employed as a physician and/or
2 has (or subsequently receives) privileges to engage in the practice of medicine.
3 Respondent shall provide a copy of this Order to all treating physicians, dentists and or
4 health care professionals. Respondent shall continue to make the aforementioned
5 disclosure and provide copies of this Consent Order until the expiration of this Order.

6 G. Respondent may have her license to practice as an osteopathic physician
7 restricted, suspended or revoked by the Board in the future if:

8 (A) The Board finds that Respondent does not have the requisite mental,
9 physical and emotional fitness to safely continue the practice of medicine; or,

10 (B) There are new grounds for finding unprofessional conduct concerning
11 Respondent; or,

12 (C) Fails to comply fully with the terms and conditions of this Order.

13 H. Respondent shall not consume illicit drugs or take any controlled substances (i.e.,
14 prescription only drugs), unless her treating physician prescribes such medication for him
15 with the awareness that Respondent has a substance abuse disorder. Respondent shall
16 maintain a monthly log (for the duration of probation) of all prescription only drugs taken
17 by her and such log shall include the following information:

18 (a) the name of the medication;

19 (b) name of prescribing physician;

20 (c) reason for the medication.

21 At the first of each month, Respondent shall report by letter to the Board whether or not
22 she is taking any prescription only medication and, if so, a copy of her log reflecting the
23 above information.

24 I. Respondent shall also, as part of her non-disciplinary probation: (A) submit to
25 and cooperate in any independent medical or psychological evaluation that is ordered by

1 the Board for Respondent and conducted by the Board's designated physician and/or
2 psychologist which shall be paid for by Respondent; and (B) appear before the Board,
3 upon receipt of a request by written or telephonic notification from the Board's executive
4 director which shall be given at least five (5) days prior to the Board meeting; and, (C)
5 submit to random biological fluid testing and promptly provide (within a reasonable time
6 period specified by the Board) required biological fluids for testing and said testing shall
7 be done at the Respondent's expense.

8 J. Respondent shall participate in a minimum of three (3) self-help meetings per
9 month through such organizations as A.A., N.A., C.A. and doctor's Caduceus group.
10 Respondent shall keep a log of all meetings attended and have the log signed by the
11 chairperson of the meeting. Respondent will provide the Board with a copy of the signed
12 log the first of every month.

13 K. In the event Respondent moves and ceases to practice medicine in Arizona, she
14 shall give written notice to the Board of her new residence address within twenty (20)
15 days of moving; and, the terms and duration of probation may be stayed by the Board
16 until Respondent returns to practice medicine in Arizona.

17 L. Respondent shall reimburse the Board for all expenses associated with the
18 continued monitoring of this matter.

19 M. Respondent shall continue to meet all licensing requirements such as continuing
20 medical education and renewal requirements including applicable fees pursuant to A.R.S.
21 § 32-1825.

22 N. The Board's Executive Director shall send correspondence to the appropriate state
23 and/or federal law enforcement agency disclosing information in the Board's possession
24 which may establish criminal misconduct by Respondent, i.e., illicit use of controlled
25 substances.

1 O. Respondent's failure to comply with the requirements of this Order may constitute
2 unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be
3 considered as grounds for further disciplinary action (e.g., suspension or revocation of
4 license) in the event that Respondent fails to comply with any of the requirements of this
5 Order.

6 ISSUED THIS 17th DAY OF AUGUST, 2005.

7 STATE OF ARIZONA

8 BOARD OF OSTEOPATHIC EXAMINERS IN

9 MEDICINE AND SURGERY

10
11
12 By: 

13 Jack Confer, Executive Director

14 Original "Order for Issuance of License
15 And Non-Disciplinary Probation" filed
this 20 day of August, 2005 with the:

16 Arizona Board of Osteopathic Examiners
17 In Medicine and Surgery
9535 East Doubletree Ranch Road
18 Scottsdale AZ 85258-5539

19 Copy of the foregoing "Order for Issuance
20 of License And Non-Disciplinary
Probation" sent via certified, return receipt
21 requested this 20 day of August, 2005 to:

22 Janet M. Pragit, D.O.
2475 West Pecos Road, #2085
23 Chandler, AZ 85224

24 Copies of the foregoing "Order for Issuance
of License And Non-Disciplinary
25 Probation" sent via regular mail this
20 day of August, 2005 to:

1 Blair Driggs, AAG
2 Office of the Attorney General CIV/LES
3 1275 West Washington
4 Phoenix AZ 85007

5 Celina Shepherd
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